

Appl. No. 10/666,188
Amtd. Dated 15 February 2006
Reply to Office Action of 15 November 2005

REMARKS

This amendment is responsive to the Office Action mailed on 15 November 2005 wherein claims 36-37 and 39-48 were rejected under 35 USC 112, and wherein claims 36-37, and 39-47 were rejected under 35 USC §102 (b) as being anticipated by Hughes (U.S. Patent No. 5, 754,622).

Applicant respectfully traverses the rejection of claims 36-37 and 39-47 under 35 USC 112, second paragraph. However, to attempt to continue to move forward with the prosecution, Applicant has (1) amended each of the independent claims to remove the word relative and clarify that the aperture is coordinated with respect to both positions (source and detector) and (2) amended claims 36 and 45 to more explicitly recite that the aperture assembly includes the aperture.

Applicant continues to respectfully traverse the rejection of claims 36-37, and 39-47 under 35 USC §102 (b) as being anticipated by Hughes. Independent claims 36, 44, and 45 recite that the adjustment is coordinated with the radiation detector position. Further, as stated in Applicant's previous responses, Hughes merely teaches **irradiating only a specific area in the anatomy**, without exposing other areas to a substantial amount of radiation, and is completely devoid of any disclosure, teaching, or suggestion about *limiting the radiation at the detector* as is recited in the independent claims 36, 44 and 45. As also stated in Applicant's previous response, Applicant, therefore, reiterates that **prior approaches which limit radiation on the patient do not "necessarily" include synchronized adjustments of the aperture geometry to limit the incident radiation on the detector as claimed.**

Applicant notes the Office Action response to the above arguments:

The applicants argue that Hughes failed to teach coordinating the adjustment the geometry of the aperture relative to the radiation detector position to limit the incident radiation to a predetermined exposure area at the detector. The examiner respectfully disagrees. Hughes disclosed a radiation imaging system that comprises a radiation detector (99) positioned behind a patient to verify the treatment (column 4, lines 30- 44). Hughes further taught that the radiation beam is focused on a zone (12) of the patient (column 3, lines 44 - 46). It is necessary to configure the radiation detector such that its imaging area intercepts/captures the radiations transmitted through the patient to verify the treatment. As the geometry of the aperture is adjusted in synchronization with the movement of the radiation source, the radiation is always limited by the aperture to incident on an imaging area on the detector. The radiation treatment could not be verified if the radiation is not limited to incident on the imaging area on the detector.

Applicant continues to traverse this line of reasoning. Hughes relates to providing radiation for treatment (Background) where the goal is directed to precision radiation in the object. Although the detector is used to monitor the treatment, Hughes does not reference a predetermined area on the detector.

Accordingly, Applicant respectfully submits that independent claims 36, 44 and 45 define allowable subject matter over the applied art. Claims 37, 39-43, depend directly or indirectly from claim 36, and claims 46 and 47 depend directly or indirectly from claim 45 and hence are similarly allowable. Withdrawal of the rejections is respectfully requested, and allowance of the claims 36, 37, 39-47 is respectfully solicited.

In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance.

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Favorable reconsideration and prompt allowance of the application are respectfully requested. Should the Examiner believe that anything further is needed to place the application in even better condition for allowance, the Examiner is requested to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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